IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. NO.9624 of 2005

DATE OF DECISION: 20.11.2006

Bansi Dhar alias Amar Chand .....Petitioner

versus

The State of Punjab and others .....Respondents

CORAM:- HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA

HON'BLE MRS. JUSTICE NIRMAL YADAV

Present: Mr. P.N. Aggarwal, Advocate for the petitioner

Mr.C.M. Munjal, Sr. Addl. AG, Punjab

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ORDER:

The petitioner has impugned the order Annexure P-8 by which the order dated 30.1.1989 passed by Special Collector Agrarian was set aside and the case was remanded back to the Collector Agrarian, Abohar with various directions as mentioned in para-18 of the order passed by the Financial Commissioner.

Learned counsel for the petitioner submits that the orders dated 26.10.1976, 16.3.1983 and 10.9.1986 have already been set aside and, therefore, these orders cannot be given effect to. On the other hand, learned counsel for the State submits that as the entire matter is to be re-decided by the Collector Agrarian, therefore, the petitioner may raise all the points as raised in the present petition before the said authority.

After hearing the learned counsel for the parties, we find no infirmity in the impugned order passed by the Financial Commissioner. As far as the orders which have been set aside are concerned, they, obviously, cannot be given any effect to as they have been set aside.

In view of the above, the writ petition is disposed of. Parties are directed to appear before the Collector Agrarian on 21.12.2006. The petitioner may raise all the points as raised in the present petition before the remanded authority. It is clarified that petitioner is free to make submissions with regard to second and third conditions mentioned by the Financial Commissioner in his order and decision shall be taken by the Collector Agrarian in accordance with law. The Collector Agrarian is directed to decide the matter expeditiously, preferably, within one year.

(ASHUTOSH MOHUNTA)
JUDGE

November 20, 2006 **(NIRMAL YADAV)**
pc **JUDGE**